

THE WEATHER.

U. S. Weather Bureau.
Aug. 21—Last 24 Hours.
Rainfall, .03. Tempera-
ture, Max. 80; Min. 72.
Weather, fair.

Sunday Advertiser.

THE SUGAR MARKET.

96 Degree Test Cen-
trifugals, 4.05c. Per
Ton, \$81.00
88 Analysis Beets, 11s.
44d. Per Ton, \$88.00.

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HONOLULU, HAWAII TERRITORY, SUNDAY, AUGUST 22, 1909. SIXTEEN PAGES.

Entered Jan. 19, 1908, at Honolulu, Hawaii, as Second
Class Matter, Under Act of Congress of March 3, 1879.CONSPIRATORS
SENTENCED
TO JAILA Motion in Arrest of
Judgment Is Now
Desired.

Ten months in Honolulu jail, without hard labor, and \$300 fine is the sentence imposed by Judge De Bolt yesterday morning on Makino Higginbotham, Y. Soga, M. Negoro and Y. Tasaka, the four Japanese strike-leaders who were convicted of conspiracy in the third degree.

Sentence was imposed after nearly the whole morning had been taken up by Attorney Lightfoot in argument in support of his motion for an arrest of judgment. Judge De Bolt first overruled the motion and then, on motion of Attorney General Hemenway, sentenced the four defendants.

The sentencing of the men, however, by no means ends the case. Lightfoot has noted an appeal to the Supreme Court, and in the event that the judgment of the Circuit Judge is confirmed by that tribunal, he says that he will appeal to the Supreme Court of the United States on constitutional grounds.

Lightfoot's motion for an arrest of judgment was based on a contention that the conspirators were not legally convicted, that the court had no jurisdiction in the matter because the men were tried on an information sworn to by High Sheriff Henry instead of on an indictment by the grand jury.

All the way through the trial the contention of the prosecution has been that the offense of which the four men were accused is a misdemeanor. Lightfoot, in his argument for an arrest of judgment, contended that conspiracy, no matter whether of the first, second or third degree, is a felony, punishable with imprisonment at hard labor, which constitutes it an infamous crime. The Constitution of the United States specifically provides that no man may be tried for an infamous crime except upon an indictment by the grand jury. Therefore, Lightfoot claimed, the trial of Makino, Negoro, Soga and Tasaka on a mere information was not legal and the verdict should be set aside.

Callen vs. Wilson, 127 U. S. 3.) The argument hinged, therefore, upon whether the men had been found guilty of a misdemeanor or of a felony. Lightfoot in his argument stated that, although it had not been shown that his clients had conspired to commit a felony, there was nothing to prevent the jury from bringing in a verdict to that effect if it wanted to—that the verdict might have been guilty of conspiracy in the first as well as of in the third degree, and that therefore the crime of which his clients were accused constituted a felony, and hence the court had no jurisdiction in the matter and was bound to set the verdict aside.

The attorney cited many authorities in support of his motion, which was based on other grounds, as well as the one mentioned, containing in all nine points, as follows:

1. The court was without jurisdiction as defendants had been tried without indictment by a grand jury contrary to the United States Constitution.

2. Defendants did not have the speedy and impartial trial by a jury of their district which the constitution guaranteed.

3. The verdict was contrary to the provision of the constitution that the trial of all crimes, except in cases of impeachment, shall be by jury.

4. The verdict was contrary to the Organic Act provision requiring the unanimous verdict of a jury.

5. Defendants were not informed of the nature of the charge against them in accordance with the constitution.

6. Defendants were compelled to be witnesses against themselves contrary to the constitution.

7. Evidence was received which had been procured in contravention of the provision of the constitution which guaranteed persons' from seizure of their private papers without process of law.

8. Evidence was received in contravention of the treaty between the United States and Japan, which provided that the residences and places of business of the citizens or subjects of either country within the territory of the other should be respected.

9. Defendants were denied the equal protection of the laws in several respects set forth. The last one was that the verdict was contrary to the law and the evidence and the weight of evidence.

The prosecution was heavily represented in court, there being present Attorney General Hemenway, Deputy Attorney General Andrews, County Attorney Cathcart, Deputy County Attorney Milverton, and special prosecutors Prosser and Ballou. Prosser, however, was the only one who took any part in the proceedings. He did not argue on Lightfoot's motion for an arrest of judgment, it being un-

(Continued on Page Five.)

SUMMER SOCIAL LIFE OF
THE TAFT'S AT BEVERLYThe President to Avoid Public Business as Much
as Possible and Look After His Wife's
Health--The Cabinet Scatters.

By Ernest G. Walker.

(Mail Special to the Advertiser.)

WASHINGTON, August 10.—President Taft at last has rolled away in his special car for a long-discussed and much-needed vacation at Beverly. The summer capital of the United States is farther away from Washington than it has ever before been. It is twice as far away as Oyster Bay, where President Roosevelt used to keep the seat of Government. A summer capital has come into fashion only in recent years. McKinley never had a summer capital, although he used to go to Canton for brief periods almost every summer.

In the old days, however, the business of the Federal Government was not as large as it is now. Then a President could go away for two or three weeks without taking a force of clerks and stenographers with him. Formerly, Presidents did not take long vacations away from Washington. Now, while a President may have a little leisure upon his hands occasionally, the business of his office is so vast that it is constantly accumulating and he can not well go away to remain for a long time without having at hand facilities for disposing of the more pressing matters.

President Roosevelt came to realize this, for it is the Spanish War that business developing on the mainland has grown greatly and has been augmented by affairs from the outlying islands in the two oceans. He used to locate the capital wherever he went for recreation. At one time the temporary capital of the government was in Colorado, where the President was hunting bears; at another time in Mississippi, where he was also hunting

bears, and again in Louisiana, when the President was in the canebrakes, also tracking old Bruin.

But the temporary capitals in those out-of-the-way places were little more than stations for the receipt of mail and other communications and also for the transmission of letters and messages. McKinley and Roosevelt traveled to the Pacific Coast, while officially occupying the White House, and they transacted public business while en route across the continent and back again. President Taft will undoubtedly do likewise when he starts on his long trip to Washington and California this autumn.

Beverly, however, rises to the real dignity of a summer capital, as did Oyster Bay. It will enjoy the distinction for a comparatively short time. President Roosevelt was usually at Oyster Bay from July 1 till about October 1. President Taft plans to remain at Beverly from now till September 15—a total of about six weeks. But during this interval Beverly will be equipped completely as a summer capital. Had it not been for the delay in arriving on the Massachusetts coast, because of the prolonged extra session of Congress, much more public business would have been disposed of there.

As it is now, the President is trying to devote as much of his time as possible to resting. He stated before his departure that he intended to give his forenoons to golf. At that time of day the several splendid courses near Beverly are not much crowded. The President is very anxious to keep in good physical trim. He exercises much with dumbbells and otherwise, to keep his muscles healthy. But he feels the necessity of a lot of outdoor exercise. (Continued on Page Eight.)

VOLCANO HOUSE
TO BE ENLARGEDNew Cottage Will Be Named
in Honor of Visiting
Congressmen.

When the Congressional party arrives at the Volcano House, a new cottage will be thrown open and used for the first time by members of the party and will be christened "Congress Cottage." The management has plans prepared for enlarging the Volcano House to meet the demands upon it, which have been heavier than usual in the last few months.

The dining-room is to be enlarged, the kitchen will have a new location and upstairs there will be six big new rooms with ample bath-room facilities. Various other changes will give plenty of accommodation, so that there will be no more complaints about lack of room, furniture, etc., as heard yesterday from returning passengers on the Mauna Kea.

George Lycurgus is anxious to please the public and is making every effort to catch up with the increasing trade, and the new cottage is the first of the improvements. Then there will be room for everybody to sleep comfortably, and in time there will be horses for every man, woman and child who visits the crater.

HOW TYPHOID MAY
HAVE SPREAD IN KONA

Kailua, Hawaii, Aug. 14, 1909.

Editor Advertiser: The sudden appearance of typhoid fever here in homes so scattered, and all from one case, recalls to mind a suggestion I made several years ago. It may seem to you worth placing before the public.

A resident, near Kailua, said this morning that as each family had its own water tank it seemed strange that the typhoid should spread so widely and appear in families so isolated from the first case and from each other.

The problem seems simple enough. Even the first case, under careless treatment, so that the excrement is not properly disposed of; given also the mynah bird to carry the germs on its feet, and the iron roofs where it delights to congregate; the rains to wash the germs off the roofs, and the tanks to catch and hold the water, and the explanation is simple enough. Boiling rain water, caught from roofs, is as necessary as boiling water from large reservoirs or from streams.

I suggest that a sermon, occasionally, on germ diseases, would be of order.

U. THOMPSON.

Mr. de Young will be entertained at a Moehizaki Club luncheon today by his friends of the local press.

CHAS. M. COOKE
IS VERY LOWHas Failed to Rally From the
Second Stroke of
Paralysis.

The condition of Charles M. Cooke, who Thursday suffered a second stroke of paralysis, is very serious. After the stroke Thursday the patient seemed to rally, and the outlook seemed rather hopeful, but last night a member of the family stated that there had been no improvement during the day and that his condition was very serious.

Mr Cooke's advanced years put him at a disadvantage in fighting against the inroads of disease. Six months ago he suffered a stroke of paralysis, but his rugged constitution enabled him to survive it. The second stroke, however, is causing his family great anxiety.

LURLINE CARRIES
FIFTY-FIVE PERSONS

Eleven hundred and forty miles distant from Honolulu, the Matson Navigation Company's steamer Lurline made herself known to Castle & Cooke, the local agents, by wireless telegraphy at 8:30 o'clock last night. Operator Warren of the Lurline "talked" with the Kahuku station of the local company. It was a simple feat although the vessel will not arrive in port until next Wednesday afternoon, four days from last evening.

The Lurline was steaming along in a smooth sea with light northwest winds prevailing. She passed the China at 11:30 yesterday morning and the Alameda last evening at 7:30. The steamer is bringing 5000 tons of cargo, 159 bags of mail and Wells Fargo express, and fifty-five passengers.

TAKE GETS LIGHT
FINE THIS TIME

Three dollars was the fine passed out to U. Take by Judge Andrade yesterday morning, for violating the provisions of his restaurant license by serving spirituous beverages to some of Inspector Pennell's men. Take already had been haled up on the blind pig charge for the same offense, so his punishment on the second count was made light.

J. A. Naunao and Ah Chuck, the pair charged with stealing some socks and other wearing apparel from the American-Hawaiian wharf some days ago, had their cases carried over until Tuesday morning.

LAW DINNER IS
GALA FUNCTIONJudge Woodruff Given Formal
Welcome by Honolulu
Lawyers.

The Honorable George Woodruff, Second Judge of the United States Court, was the honored guest of the Hawaiian Bar Association at its annual dinner last evening at the Alexander Young Hotel. The jurist was the recipient of many complimentary toasts.

Hon. R. W. Breckons, United States District Attorney, was toastmaster, a position which he filled with credit to himself, his witteisms being not the least of the fund of entertainment provided. His references to both judges and lawyers were amusing and called for frequent bursts of laughter. The toasts included: "President of the United States", to which Judge J. T. De Bolt responded; "The Governor of the Territory of Hawaii", to which Deputy Attorney General Lorrin Andrews responded; "The Bench", Judge Sanford B. Dole responding; "By and By", prepared by Hon. Thos. Fitch and read by Attorney Frank E. Thompson; "The Bar Association", to which W. A. Kinney was to have responded, but which was given by Attorney George A. Davis; "The Circuit Court", Judge W. J. Robinson; the Annual Paper by Attorney Clarence Olson.

The toastmaster prefaced his call for a response to the first toast by stating that he had been directed and admonished by the committee to commence the toasts early, so that the speech-making should not run into Sunday.

In calling for the toast to the President, Mr. Breckons said that the elevation of Mr. Taft to the presidency came because he was a great lawyer. "Many lawyers have been in the chair, none greater," added Mr. Breckons. Judge De Bolt, in responding, gave a very clear and concise history of Taft's career, his elevation to the judiciary, then to the governorship of the Philippines and the great work thrust upon him to solve the Philippines question. When he was sent to the Philippines he was assigned to a task which Spain had been unable to solve in three centuries. In one year he had opened the way to its solution. He prophesied that Taft's name will remain a monument in the Philippines until time is no more. Like Monroe's administration, the United States seems to have again arrived at an "era of good feeling". He stands today before the American people without a peer.

Deputy Attorney General Lorrin Andrews, in responding to the toast, "The Governor of the Territory of Hawaii," said that the Bar Association is proud that of the three governors of Hawaii, two have been members of the bar, men who had already given much of their service to the islands.

Judge Sanford B. Dole, responding to the toast, "The Bench", said a few things to the lawyers. It was an old saying, said he, that the British never knew when they were beaten in battle, but that was obviously deficient and illogical because an army that is fighting and fights on until it wins is never defeated. An experienced lawyer knows when he is beaten in court, but an inexperienced lawyer does not. If an experienced lawyer, after knowing he is defeated, continues to use up the time of the court and jury, simply because he is too proud to give in, he does not get credit from the judge. We admire, he said, the lawyer who gives up when he knows he is defeated, for his moral courage.

"I suppose there is an attractiveness to lawyers in pugilistic encounters," he added. "There is a rather close analogy between court rules and Marquis of Queensberry rules. Of course, many of us go to the match because we are fond of the game, because they are the rules of fair play (applause)."

Judge Dole referred to the Supreme Court of Hawaii, all the members of which he had known, even Chief Justice Lee who organized the court, and he referred feelingly to those who have passed away. He concluded by saying that an association of judges should be organized here, and perhaps it should have an annual dinner, too, and invite the members of the bar to be present.

George Davis made a fine response, in the absence of Mr. Kinney, to the toast, "The Bar Association." Thos. Fitch's paper was a humorous composition, admirably presented by Frank Thompson. Judge Robinson's toast was a fine criticism of some of the difficulties encountered by the circuit judges. Mr. Olson's paper was scholarly and attractive.

The menu for the dinner follows: Martini Cocktail, Oyster Cocktail, Pate de Foie Gras, Consomme aux Quenelles, Dried Sauterne, Larded Filet of Kumm a la Cherot, Pommes Mignon, Sliced Cucumbers, Frogs Legs Sautee au Vin Blanc, Bella Vista, Filet Mignon, Strassbourg, Champagne, Punch au Chateau Vert, Roast Homer Squab au Cresson, Asparagus, Hollandaise, Salad a la Young, Glace Moulées, Fantaie, Roquefort Cheese, Bent's Water Crackers, Liqueur, Cafe Noir.

WOMEN JOIN RIOTING
STRIKERS AND TRY TO
BLOW UP CAR WORKSWalter Wellman's Balloon Explodes--Anarchist
Delegates Under Arrest--Monterey,
Mexico, Is in Flames.

(Associated Press Cablegrams.)

PITTSBURG, August 22.—Wild rioting took place last night in the plant of the Pressed Steel Car Company. Hundreds of women participated in the fray and many were injured.

A desperate attempt was made to blow up the building in which the offices of the company are located, but the rioters were repulsed.

ANOTHER WELLMAN FIZZLE

SPITZBERGEN, August 22.—Wellman's second attempt at reaching the North Pole in his dirigible balloon has resulted in a failure. The drag rope supporting the provisions destined to supply the aeronauts on their trip broke yesterday, and a little later the balloon exploded, thirty-two miles from the starting point. No one was injured.

MONTEREY IN FLAMES

CITY OF MEXICO, August 22.—The City of Monterey is in flames. It is feared that the entire business section of the city will be destroyed.

WIRELESS PLANT DESTROYED

GLACE BAY, August 22.—Fire yesterday destroyed the operating and condenser buildings of the Marconi Wireless Telegraph Company.

ANARCHIST DELEGATES ARRESTED

BUDAPEST, August 22.—The police yesterday arrested twenty-eight anarchists who came here as delegates to the coming Anarchist Congress.

GOSEF AN EXILE.

TULA, August 21.—Gosef, the private secretary to Count Leo Tolstoi, has been ordered exiled from Russia for a term of two years, on the charge of circulating a pamphlet against the infliction of the death penalty.

TRANSMISSISSIPPI CONGRESS.

DENVER, August 21.—The Transmississippi Congress adjourned today to meet again in San Antonio in November.

MARION BLEAKLY KIDNAPED.

TOPEKA, August 21.—Marion Bleakly, the famous St. Louis Exposition incubator baby, has been kidnaped.

STRIKERS ARE DEFEATED.

STOCKHOLM, August 21.—The street car strike is ended in this city, the strikers having lost out.

FLOODS IN AUSTRALIA.

MELBOURNE, August 21.—Floods are doing much damage in the State of Victoria. Many villages and towns have been submerged, and fatalities are numerous.

FOREST FIRES DISASTEROUS.

SPOKANE, August 21.—The forest fires have not been checked and are still destroying great areas of valuable timber.

J. B. STETSON IS DEAD.

SAN FRANCISCO, August 21.—J. B. Stetson died in this city today.

DAINTY EXPERT
FINDS FAVOREnormous Crowd Besieges New
Rink to Watch Skaters
Disport.

Skimming like a dainty fairy over the smooth surface of the floor, gleaming under the bright light of the many ares, swirling, leaning daintily from one side to the other, Miss Wiener, the professional skater at the Princess rink brought down the house last night.

It was a wonderful sight. Dressed in white broadcloth, tailor-made, with a dainty Russian toque perched coquettishly on the side of her head, Miss Wiener swayed and romped her way into the hearts of more than two thousand people who crowded into the narrow confines of the rink.

Society and the best of it was there. The very nicest people in Honolulu not only looked on at the skating but took part. A peek at the grandstand was like delving into the pages of a

very exclusive book of "Who's Who in Honolulu."

Everybody who was there seemed to be pleased with the excellent arrangements that have been made for the comfort of patrons. The ladies received the best of attention in their department and the comely maids who adjusted skates and helped the ladies out on the floor, were just as polite and courteous as though they were not being rushed to death.

WAIPO PENINSULA NOW
BELONGS TO UNCLE SAM

Waipo Peninsula at Pearl Harbor now belongs to the government. Yesterday the deed from the U. S. Estate to the Federal authorities was signed, and the formal transfer was completed. The land was acquired through condemnation proceedings, and the value was placed at \$10,000.

The peninsula is required by Uncle Sam in carrying out the Pearl Harbor Naval station project, and it was necessary to get a clear title. The question of fishing rights delayed negotiations somewhat, as Hawaiians had enjoyed the fishing there for decades. The government could not recognize any such rights on property in its possession, so the matter had to be straightened out.